

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALLSTEEL INC.
Petitioner,

v.

DIRTT ENVIRONMENTAL SOLUTIONS LTD.
Patent Owner.

Case No. IPR2015-01691
Patent No. 8,024,901
Issue Date: September 27, 2011

Title: INTEGRATED RECONFIGURABLE WALL SYSTEM

**NOTICE OF APPEAL
FOR
PATENT OWNER DIRTT ENVIRONMENTAL SOLUTIONS LTD.**

Pursuant to 35 U.S.C. § 141(c), 35 U.S.C. § 142, 37 C.F.R. § 90.2, and 37 C.F.R. § 90.3, notice is hereby given that Patent Owner DIRTT Environmental Solutions Ltd. (“DIRTT”) appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s Final Written Decision dated January 19, 2017 (Paper 44) in IPR2015-01691 and from all underlying decisions on which the Final Written Decision is based.

Pursuant to 37 C.F.R. § 90.2(a)(3)(ii), DIRTT states that the issues on appeal may pertain to, but are not necessarily limited to: (1) the Board’s decision that claims 1, 6, 7, and 15-18 of U.S. Pat. No. 8,024,901 (“the ’901 patent”) are unpatentable for obviousness in view of U.S. Pat. No. 4,438,614 (“Raith”) and the file history for U.S. Application Serial No. 10/027,872 (“EVH”) and that claim 14 of the ’901 patent is unpatentable for obviousness in view of Raith, EVH, and U.S. Pat. No. 4,277,920 (“Dixon”); (2) the Board’s decision that claims 1, 4, 5, and 9 of the ’901 patent are unpatentable for obviousness in view of Raith and U.S. Pat. No. 6,161,347 (“Yu”); (3) the Board’s decision that claims 1, 4, 10, 19, and 20 of the ’901 patent are unpatentable for obviousness in view of Raith and U.S. Patent Publication No. 2003/0154673 (“MacGregor”), and that claim 25 of the ’901 patent is unpatentable for obviousness in view of Raith, MacGregor, and U.S. Pat. No. 5,881,979 (“Rozier”); and (4) the findings and conclusions supporting those

decisions, including the Board's findings regarding motivation to combine and regarding DIRTT's objective evidence of nonobviousness.

Simultaneous with this submission, a copy of this Notice of Appeal is being electronically filed with the Patent Trial and Appeal Board via PTAB E2E pursuant to 37 C.F.R. § 90.2(a). In addition, a paper copy of this Notice of Appeal is being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit, pursuant to Federal Circuit Rule 15(a)(1), and an electronic copy is being filed with the Federal Circuit via CM/ECF, along with the docketing fee. A copy is also being served electronically on counsel for the Petitioner pursuant to 37 C.F.R. § 42.6.

Dated: March 15, 2017

Respectfully submitted,

By /David R. Todd/

Chad E. Nydegger, Reg. No. 61,020
Michael J. Frodsham, Reg. No. 48,699
David R. Todd, Reg. No. 41,348
WORKMAN NYDEGGER
60 East South Temple, Suite 1000
Salt Lake City, Utah 84111
Telephone: 801-533-9800
Facsimile: 801-328-1707

Attorneys for Patent Owner

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this 15th day of March, 2017, I caused the foregoing **Patent Owner's Notice of Appeal** to be filed with and/or served on the entities or persons indicated below in the manner indicated below:

Office of the General Counsel United States Patent & Trademark Office Madison Building East 10B20 600 Dulany Street Alexandria, Virginia 22314	1 paper copy via Federal Express
Patent Trial and Appeal Board United States Patent & Trademark Office	1 electronic copy via PTAB E2E
U.S. Court of Appeals for the Federal Circuit 717 Madison Place, N.W. Washington, D.C. 20439	1 paper copy via Federal Express 1 electronic copy via CM/ECF, including docketing fee
Victor P. Jonas (victor.jonas@faegrebd.com) Nicholas M. Anderson (nick.anderson@faegrebd.com) Timothy Sullivan (timothy.sullivan@faegrebd.com) FAEGRE BAKER DANIELS 2200 Wells Fargo Center 90 S. Seventh St. Minneapolis, MN 55402 Trevor Carter (trevor.carter@faegrebd.com) FAEGRE BAKER DANIELS 300 N. Meridian Street, Suite 2700 Indianapolis, IN 46204	1 electronic copy via email

/David R. Todd/

David R. Todd, Reg. No. 41,348